

Attorney Docket No.: **IFF-66 (IFF-0010)**
Inventors: **Hiserodt and Bolen**
Serial No.: **10/671,411**
Filing Date: **September 24, 2003**
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REMARKS

Claims 1-4 and 6-9 are pending in this application. Claims 1, 4, 8 and 9 and 8 have been rejected. Claims 2, 3, 6 and 7 have been objected to. Claims 2 and 6 have been canceled. Claims 1 and 4 have been amended. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Objection to the Claims

Claims 2, 3, 6 and 7 have been objected to as being dependent upon a rejected base claim, but the Examiner suggests they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended claims 1 and 4 to include the limitations of claims 2 and 6, respectively, as suggested by the Examiner. Applicants believe that these amendments to the claims place all remaining claims in form for allowance. Accordingly, withdrawal of this objection to the claims is respectfully requested.

II. Rejection of Claims Under 35 U.S.C. 112, First Paragraph

Claims 1, 4, 8 and 9 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description

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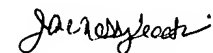
requirement. The Examiner suggests that the claims are drawn broadly to plant extracts while the specification only discloses extracting monomenthyl succinate from plants of the genus *Lycium* or *Mentha*, while plants of thousands of genera are available for such extraction. Claims 1, 4, 8 and 9 have also been rejected under 35 U.S.C. 112, first paragraph, because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims. The Examiner suggests that while being enabling for extracts from plants from the *Lycium* or *Mentha* genus, it would require undue experimentation for one of skill to determine what other genera of plants could be successfully extracted. In an earnest effort to advance the prosecution, Applicants have amended claims 1 and 4 to include the limitation that the plants extracted are from either the *Lycium* or *Mentha* genus. Accordingly, as acknowledged by the Examiner, the claims as amended meet the requirements of 35 U.S.C. 112, first paragraph. Withdrawal of this rejection is therefore respectfully requested.

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III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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